

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED COMMERCE CENTER, INC.,

Plaintiff,

v.

THE TRAVELERS LLOYDS  
INSURANCE COMPANY,

Defendant.

CIVIL ACTION NO. 3:13-cv-2075-P

**APPENDIX TO PLAINTIFF'S  
MOTION TO COMPEL AND SUPPORTING BRIEF**

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Respectfully submitted,

s/ Bobby M. Rubarts

Bobby M. Rubarts

State Bar No. 17360330

bobby.rubarts@koningrubarts.com

Brent E. Basden

State Bar No. 24047828

brent.basden@koningrubarts.com

**KONING RUBARTS LLP**

1700 Pacific Avenue, Suite 1890

Dallas, Texas 75201

214-751-7900

214-751-7888 – fax

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that on February 28, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

s/ Bobby M. Rubarts \_\_\_\_\_

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED COMMERCE CENTER, INC.

Plaintiff,

v.

THE TRAVELERS LLOYDS  
INSURANCE COMPANY,

Defendant.

CIVIL ACTION NO. 3:13-cv-02075-P

PRIVILEGE LOG

The following information or documents were withheld by The Travelers Lloyds Insurance Company from the documents made available for copying and inspection in response to Plaintiff's Requests for Production.

DATE	BATES NO.	DESCRIPTION	PRIVILEGE
12/15/12- 12/16/12, 12/18/12	None	Emails between Blake Kilpatrick and Laura de la Garza regarding claim after anticipation of litigation.	Work product
12/19/12	None	Emails between Laura de la Garza to her manager regarding claim after anticipation of litigation.	Work product
1/5/13	None	Email from Laura de la Garza to Blake Kilpatrick regarding claim after anticipation of litigation.	Work product
1/9/13	TRAV 310	Email from Blake Kilpatrick to Laura de la Garza regarding claim after anticipation of litigation.	Work product
1/10/13	TRAV 312	Emails between Blake Kilpatrick and Laura de la Garza regarding claim after anticipation of litigation.	Work product
1/09/13- 1/12/13,	None	Emails between Blake Kilpatrick and Laura de la Garza regarding claim after	Work product

1/15/13- 1/17/13, 1/19/13		anticipation of litigation.	
1/11/13	None	Correspondence from Blake Kilpatrick to Laura de la Garza regarding claim after anticipation of litigation and comments from Laura de la Garza regarding correspondence.	Work product
1/20/13- 1/22/13, 2/4/13, 2/12/13	None	Emails between Blake Kilpatrick and Laura de la Garza regarding claim after anticipation of litigation.	Work product
2/13/13	TRAV 349	Claims investigation note by Laura de la Garza in anticipation of litigation.	Work product
2/20/13, 3/1/13, 3/4/13, 3/7/13	None	Emails between Blake Kilpatrick and Laura de la Garza regarding claim after anticipation of litigation.	Work product
3/4/13	None	Correspondence from Blake Kilpatrick to Laura de la Garza regarding claim after anticipation of litigation.	Work product
3/8/13	TRAV 326	Emails between Blake Kilpatrick and Laura de la Garza regarding claim after anticipation of litigation.	Work product
3/14/13- 3/16/13	None	Emails between Blake Kilpatrick and Laura de la Garza regarding claim after anticipation of litigation.	Work product
4/15/13	TRAV 349	Claims investigation note by Laura de la Garza in anticipation of litigation.	Work product
4/26/13	TRAV 349	Claims investigation note by Laura de la Garza in anticipation of litigation.	Work product
4/26/13- 5/20/13	None (claim notes pgs. 21-28)	Claims investigation notes by Laura de la Garza regarding work done in anticipation of litigation.	Work product

Respectfully submitted,



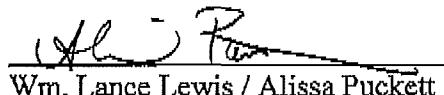
WM. LANCE LEWIS  
Texas Bar No. 12314560  
ALISSA PUCKETT  
Texas Bar No. 24056886  
**QUILLING, SELANDER, LOWNDS,  
WINSLETT & MOSER, P.C.**  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
(214) 871-2100 (Telephone)  
(214) 871-2111 (Facsimile)  
llewis@qslwm.com  
apuckett@qslwm.com

**ATTORNEYS FOR DEFENDANT  
THE TRAVELERS LLOYDS INSURANCE  
COMPANY**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing instrument is being served upon counsel of record on this 26th day of February 2014, by facsimile at the address indicated below:

Bobby M. Rubarts  
Koning Rubarts LLP  
1700 Pacific Avenue, Suite 1890  
Dallas, Texas 75201

  
Wm. Lance Lewis / Alissa Pucket

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED COMMERCE CENTER, INC.

§

Plaintiff,

§

v.

CIVIL ACTION NO. 3:13-cv-02075-P

THE TRAVELERS LLOYDS  
INSURANCE COMPANY,

§

Defendant.

§

**DEFENDANT THE TRAVELERS LLOYDS INSURANCE COMPANY'S  
INITIAL DISCLOSURES**

Defendant The Travelers Lloyds Insurance Company ("Travelers") hereby submits its Initial Disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and shows as follows:

1. The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

**RESPONSE:** Travelers discloses the following individuals:

(a) Steve Culver  
United Commerce Center, Inc.  
1720 E. Irving Blvd.  
Irving, TX 75060  
(phone unknown)

*Plaintiff.*

(b) Don Lamont, Public Adjuster  
D.A. Lamont  
3350 W. Hwy 199  
Springtown, TX 76082  
(817) 637-8824

*Plaintiff's public adjuster.*

(c) SIG Insurance Solutions  
7640 N.E. Loop 820, Suite99  
North Richland Hills, TX 76180  
(817) 354-6800

*Plaintiff's insurance agent.*

(d) The Travelers Lloyds Insurance Company  
One Tower Square  
Hartford, CT 06183  
(607) 277-0111

*Defendant (to be contacted through counsel of record).*

(e) Asah Watts  
The Travelers Lloyds Insurance Company  
One Tower Square  
Hartford, CT 06183  
(607) 277-0111

*Adjuster for Defendant Travelers (to be contacted through counsel of record).*

(f) Laura de la Garza  
9402 Wildstone Place  
San Antonio, TX 78254  
(210) 748-7673

*Former adjuster for Defendant Travelers.*

(g) Gary Dunlap  
Nelson Architectural Engineers, Inc.  
2740 Dallas Parkway, Suite 220  
Dallas, TX 75093  
(877) 850-8765

*Roofing inspector for the claims at issue.*

(h) Blake Kilpatrick  
RMC LP  
18383 FM 306, Suite 103  
Canyon Lake, TX 78133  
(832) 309-4528

*Adjusted claim on behalf of Defendant Travelers.*

(i) Gary Treider  
Chapparal Consulting  
P.O. Box 1810  
Midlothian, TX 76065

*Adjusted claim on behalf of Defendant Travelers.*

(j) All persons identified by all parties.

Travelers reserves the right to supplement this response.

2. A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

**RESPONSE:** Travelers identifies the following categories of non-privileged documents, which are available for inspection and copying in Defendant's counsel's offices. Travelers reserves the right to object to the authenticity, relevancy and/or admissibility of the listed or described documents in the trial of this action or of any other proceeding.

(a) Insurance policy number IL-PACP-8196M527-TLC-10, issued by Travelers, effective November 4, 2010 to November 4, 2011;  
(b) Non-privileged portions of claim file EUR0543 associated with the Travelers Policy.  
(c) All documents which are identified by any other party to this case.

TBIC reserves the right to amend and/or supplement this disclosure.

3. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

**RESPONSE:** At this time, Travelers does not seek damages. Travelers reserves the right to amend and/or supplement this disclosure.

4. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

**RESPONSE:** None.



WM. LANCE LEWIS

Texas Bar No. 12314560

ALISSA PUCKETT

Texas Bar No. 24056886

**QUILLING, SELANDER, LOWNDS,  
WINSLETT & MOSER, P.C.**

2001 Bryan Street, Suite 1800

Dallas, Texas 75201

(214) 871-2100

(214) 871-2111 (Fax)

llewis@qslwm.com

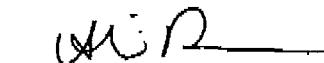
apuckett@qslwm.com

**ATTORNEYS FOR DEFENDANT THE  
TRAVELERS LLOYDS INSURANCE  
COMPANY**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing instrument is being served upon all counsel of record on this 12th day of July, 2013, by facsimile at the address indicated below.

Bobby M. Rubarts  
Koning Rubarts LLP  
1700 Pacific Avenue, Suite 1890  
Dallas, Texas 75201



Wm. Lance Lewis / Alissa Puckett

4818-0584-1428, v. 1

# **EXHIBIT C**

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**From:** Allison Garrett <agarrett@architecturalengineers.com>  
**Sent:** Wednesday, June 20, 2012 3:40 PM  
**To:** Watts,Asah  
**Cc:** Gary Dunlap; Matt Smith  
**Subject:** Claim EUR0543 United Commerce Center NAE 10381

Good afternoon Asah,  
Gary Dunlap is scheduled on 06.27.12 @ 10:00AM to meet with Don Lamont for the above referenced assignment. Please call or email if you have any questions or concerns. We appreciate your business.

Kindest regards,

Allison Garrett  
*Administrative Assistant*

**NELSON ARCHITECTURAL ENGINEERS, INC.**  
*Expert Forensics. Expert Solutions.*  
2740 Dallas Parkway, Suite 220  
Plano, TX 75093

877.850.8765 Global Headquarters  
469.429.9000 Voice x2202  
469.326.5200 Fax

[www.rae-us.com](http://www.rae-us.com)

**delaGarza,Laura C**

---

**From:** delaGarza,Laura C  
**Sent:** Monday, December 10, 2012 4:39 PM  
**To:** 'Eric Hunter'  
**Cc:** delaGarza,Laura C  
**Subject:** RE: Claim # ENW0969

Yes, I am the adjuster. I need to inspect replacement and review what you have sent me can we talk Wednesday?

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone  
877 265 -1143 fax  
210 859-1637 cell  
l delagar@travelers.com

**TRAVELERS**

★

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**From:** Eric Hunter [mailto:[ehunter@precisionconstructionandroofing.com](mailto:ehunter@precisionconstructionandroofing.com)]  
**Sent:** Monday, December 10, 2012 3:38 PM  
**To:** delaGarza,Laura C  
**Subject:** Claim # ENW0969

Ms. Garza, We have completed work on the United Commerce Center claim # ENW0969. I faxed over a supplemental invoice and a request for depreciation. I was wondering if you are still the adjuster on this claim and if you could go over the supplement with me. I have attached the fax and invoice.

Thank you for your time,  
Eric Hunter  
817.917.2296

**delaGarza,Laura C**

---

**From:** delaGarza,Laura C  
**Sent:** Monday, December 10, 2012 4:41 PM  
**To:** 'Blake Kilpatrick'  
**Cc:** delaGarza,Laura C  
**Subject:** FW: Claim # ENW0969  
**Attachments:** United Commerce Center.pdf

Please review and let's talk Wednesday.

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone  
877 265 -1143 fax  
210 859-1637 cell  
ldelagar@travelers.com

**TRAVELERS**

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**From:** Eric Hunter [mailto:[ehunter@precisionconstructionandroofing.com](mailto:ehunter@precisionconstructionandroofing.com)]  
**Sent:** Monday, December 10, 2012 3:38 PM  
**To:** delaGarza,Laura C  
**Subject:** Claim # ENW0969

Ms. Garza, We have completed work on the United Commerce Center claim # ENW0969. I faxed over a supplemental invoice and a request for depreciation. I was wondering if you are still the adjuster on this claim and if you could go over the supplement with me. I have attached the fax and invoice.

Thank you for your time,  
Eric Hunter  
817.917.2296

100-1000000

**delaGarza,Laura C**

---

**From:** delaGarza,Laura C  
**Sent:** Wednesday, December 12, 2012 6:49 AM  
**To:** 'Blake Kilpatrick'  
**Cc:** delaGarza,Laura C  
**Subject:** FW: Claim # ENW0969

Have you had a chance to look at supplement? I need to call him today-would like some feedback from you.

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone  
877 265 -1143 fax  
210 859-1637 cell  
l delagar@travelers.com

**TRAVELERS**

\*

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**From:** delaGarza,Laura C  
**Sent:** Tuesday, December 11, 2012 2:55 PM  
**To:** 'Eric'  
**Cc:** delaGarza,Laura C  
**Subject:** RE: Claim # ENW0969

Yes, I will call him tomorrow.

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone  
877 265 -1143 fax  
210 859-1637 cell  
l delagar@travelers.com

**TRAVELERS**

\*

---

**From:** Eric [mailto:[ehunter@precisionconstructionandroofing.com](mailto:ehunter@precisionconstructionandroofing.com)]  
**Sent:** Tuesday, December 11, 2012 12:55 PM  
**To:** delaGarza,Laura C  
**Subject:** Re: Claim # ENW0969

Yes ma'am. Can you call Josh Birdwell at 8138441115. He is the project manager for this project

and will be available all day to discuss the claim. I will get with Josh later in the evening to discuss any documentation that you may need and will get it to you.

Thank you, Eric Hunter

Sent from my iPhone

On Dec 10, 2012, at 4:38 PM, "delaGarza,Laura C" <[LDELAGAR@travelers.com](mailto:LDELAGAR@travelers.com)> wrote:

Yes, I am the adjuster. I need to inspect replacement and review what you have sent me can we talk Wednesday?

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone  
877 265 -1143 fax  
210 859-1637 cell  
[Ldelagar@travelers.com](mailto:Ldelagar@travelers.com)  
<image001.gif>

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**From:** Eric Hunter [<mailto:ehunter@precisionconstructionandroofing.com>]

**Sent:** Monday, December 10, 2012 3:38 PM

**To:** delaGarza,Laura C

**Subject:** Claim # ENW0969

Ms. Garza, We have completed work on the United Commerce Center claim # ENW0969. I faxed over a supplemental invoice and a request for depreciation. I was wondering if you are still the adjuster on this claim and if you could go over the supplement with me. I have attached the fax and invoice.

Thank you for your time,  
Eric Hunter  
817.917.2296

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**delaGarza,Laura C**

---

**From:** delaGarza,Laura C  
**Sent:** Friday, December 14, 2012 3:41 PM  
**To:** 'Eric Hunter'  
**Cc:** delaGarza,Laura C  
**Subject:** RE: United Commerce

I do not owe for rotten decking. It is a pre-existing condition. Sorry! As to the "nail able surface" please send me a copy of that, I have never seen it.

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone  
877 265 -1143 fax  
210 859-1637 cell  
ldelagar@travelers.com

**TRAVELERS** 

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---

**From:** Eric Hunter [mailto:[ehunter@precisionconstructionandroofing.com](mailto:ehunter@precisionconstructionandroofing.com)]  
**Sent:** Friday, December 14, 2012 1:28 PM  
**To:** delaGarza,Laura C  
**Subject:** Re: United Commerce

Ms. de la Garza, I have attached the signed contract that we have with your policy holder. I understand that the deteriorated decking was not discussed before hand but we also did not know that the metal decking was rotten until we started removing the old roof. We also didn't know a total to bill until the roof was complete. The policy reads that Travelers owes for a nailable surface which rotten decking can not be considered a nailable surface so Travelers would owe for the decking. Please let me know if you have any other questions.

Thank you , Eric Hunter  
817.917.2296

On Wed, Dec 12, 2012 at 11:35 AM, delaGarza,Laura C <[LDELAGAR@travelers.com](mailto:LDELAGAR@travelers.com)> wrote:  
I spoke to Josh. He is in the hospital and I would prefer not to bother him. I have sent the supplement you have sent us to my construction expert, but I note that you have not provided the contract that you had with my insured nor does it show what work was done and what was charged. All it shows is a supplement and tax. Josh also advised that the decking was deteriorated and it had to be replaced. That is a pre-existing condition that is excluded under the policy. We also take exception that this matter was not discussed with us at all prior to the work you all did. You need to provide me the contract and also proof of what you have invoiced our insured. Is don Lamont still involved in this situation?

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place

San Antonio, Texas 78254  
210 680-6827 phone  
877 265-1143 fax  
210 859-1637 cell  
ldelaqar@travelers.com

**TRAVELERS** 

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**delaGarza,Laura C**

---

**From:** delaGarza,Laura C  
**Sent:** Saturday, December 15, 2012 5:09 AM  
**To:** 'Eric Hunter'  
**Cc:** delaGarza,Laura C; 'Blake Kilpatrick'  
**Subject:** RE: United Commerce

Can you give me the name of the person that signed this contract? I also need for you to submit to me copies of invoices billed to our insured and also proof of payments. What did they pay you so far and how much. Josh said you had photos. We would like copies. Blake should be calling you soon.

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone  
877 265 -1143 fax  
210 859-1637 cell  
ldelagar@travelers.com

**TRAVELERS**

★

---

**From:** Eric Hunter [mailto:[ehunter@precisionconstructionandroofing.com](mailto:ehunter@precisionconstructionandroofing.com)]  
**Sent:** Friday, December 14, 2012 1:28 PM  
**To:** delaGarza,Laura C  
**Subject:** Re: United Commerce

Ms. de la Garza, I have attached the signed contract that we have with your policy holder. I understand that the deteriorated decking was not discussed before hand but we also did not know that the metal decking was rotten until we started removing the old roof. We also didn't know a total to bill until the roof was complete. The policy reads that Travelers owes for a nailable surface which rotten decking can not be considered a nailable surface so Travelers would owe for the decking. Please let me know if you have any other questions.

Thank you , Eric Hunter  
817.917.2296

On Wed, Dec 12, 2012 at 11:35 AM, delaGarza,Laura C <[LDELAGAR@travelers.com](mailto:LDELAGAR@travelers.com)> wrote:  
I spoke to Josh. He is in the hospital and I would prefer not to bother him. I have sent the supplement you have sent us to my construction expert, but I note that you have not provided the contract that you had with my insured nor does it show what work was done and what was charged. All it shows is a supplement and tax. Josh also advised that the decking was deteriorated and it had to be replaced. That is a pre-existing condition that is excluded under the policy. We also take exception that this matter was not discussed with us at all prior to the work you all did. You need to provide me the contract and also proof of what you have invoiced our insured. Is don Lamont still involved in this situation?

Laura de la Garza  
General Adjuster

Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone  
877 265 -1143 fax  
210 859-1637 cell  
[ldelagar@travelers.com](mailto:ldelagar@travelers.com)



★

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**delaGarza,Laura C**

---

**From:** Blake Kilpatrick [blake@rmc-disaster.com]  
**Sent:** Saturday, December 15, 2012 12:40 PM  
**To:** don@dalamont.com  
**Cc:** delaGarza,Laura C  
**Subject:** FW: United Commerce Center Supplement Review

Don,

I left you a message regarding the below issue. We have received a supplement invoice from the roofer for 86 SQ of metal decking and some other misc. items totalling \$192,862.95. Would you tell me if you are still involved in the claim as the Insured's PA? If so, I'll direct all my correspondence to you. Also, if you know anything about this supplement please include your comments. Thanks.

Sincerely,  
RMC, LLP

Blake Kilpatrick  
832-309-4528

---

**From:** Blake Kilpatrick [mailto:blake@rmc-disaster.com]  
**Sent:** Saturday, December 15, 2012 12:17 PM  
**To:** 'ehunter@precisionconstructionandroofing.com'  
**Subject:** United Commerce Center Supplement Review

Mr., Hunter;

I am Laura de la Garza's (Travelers) construction consultant on the UCC claim in Fort Worth. She has forwarded to me your contract and supplemental invoice for \$192,8862.95. She has requested that I review your submittal for a supplement. The following are a few item I will need for my review:

1. Copies of cancelled checks to you indicating previous payments for the repair work.
2. Copies of previous invoices to the insured for completed work.
3. Copies of releases of lien for work that was paid for, (or conditional releases of lien)
4. Any photos indicating additional damages that you believe may have been omitted from the insurance estimate.

I would also like to schedule a date and time to inspect the completed work. Please let me know when you or someone from your company will be available to meet at the jobsite. I will make arrangements to meet you at a time that is at everyone's convenience.

I have left messages for you and Rick Hunter regarding the same request for information mentioned above.

I can be contacted anytime at 832-390-4528 or at [blake@rmc-disaster.com](mailto:blake@rmc-disaster.com). Thank you.

Sincerely;  
RMC, LLP

Blake Kilpatrick  
832-309-4528

**From:** Blake Kilpatrick [mailto:[blake@rmc-disaster.com](mailto:blake@rmc-disaster.com)]  
**Sent:** Monday, January 07, 2013 10:01 AM  
**To:** 'jhunter@precisionconstructionandroofing.com'  
**Subject:** UCC roof cost

Rick,

Laura sent me the photos that your office forwarded to her. Do you have the cost data we discussed invoices, checks, etc. If you would, please forward any information that you may have so we can complete our review. Thanks for your help.

Sincerely,  
RMC, LLP

Blake Kilpatrick  
832-309-4528 cell

=====

This communication, including attachments, is confidential, may be subject to legal privileges, and is intended for the sole use of the addressee. Any use, duplication, disclosure or dissemination of this communication, other than by the addressee, is prohibited. If you have received this communication in error, please notify the sender immediately and delete or destroy this communication and all copies.

=====

This communication, including attachments, is confidential, may be subject to legal privileges, and is intended for the sole use of the addressee. Any use, duplication, disclosure or dissemination of this communication, other than by the addressee, is prohibited. If you have received this communication in error, please notify the sender immediately and delete or destroy this communication and all copies.

REDACTED

---

**From:** Mika Hunter [mailto:[mhunter@precisionconstructionandroofing.com](mailto:mhunter@precisionconstructionandroofing.com)]  
**Sent:** Wednesday, January 09, 2013 1:45 PM  
**To:** Blake Kilpatrick  
**Subject:** Re: United Commerce Center

Blake, Would it help if we were to send you a final invoice? I believe we had sent one to Ms. De La Garza. Typically, for jobs completed for insurance proceeds we are just asked for a final invoice for depreciation to be released. Also, we did not give UCC an invoice for the checks we collected.

On Wed, Jan 9, 2013 at 8:47 AM, Blake Kilpatrick <[blake@rmc-disaster.com](mailto:blake@rmc-disaster.com)> wrote:  
Mika,

What I'm tring to do is total all the cost incurred to date for the roof repairs at UCC. This will determine the release of the insurance hold back by Travelers. **If you know of any costs other than what you have forwarded to me, please let me know.**

Thanks,  
RMC, LP

Blake Kilpatrick  
832-309-4528

**From:** Mika Hunter [mailto:[mhunter@precisionconstructionandroofing.com](mailto:mhunter@precisionconstructionandroofing.com)]  
**Sent:** Tuesday, January 08, 2013 5:04 PM  
**To:** [blake@rmc-disaster.com](mailto:blake@rmc-disaster.com)  
**Subject:** Fwd: United Commerce Center

Hi Blake, Rick called me and asked that I send a lien waiver and a copy of the checks the United Commerce Center have paid us. He also said that the dump reciepts that we had sent before had duplicates. There were 3 dumpsters and each dumpster recievied its own slip. I'm not sure if that was the confusion. I have included the statements for the dumpsters. I think there is one missing and I will get that to you asap. We also had overages that were charged to one of our credit cards. Please let me know if there is anything else you need!

Hunter

Mika

=====

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=====

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REDACTED

---

**From:** Mika Hunter [mailto:[mhunter@precisionconstructionandroofing.com](mailto:mhunter@precisionconstructionandroofing.com)]  
**Sent:** Thursday, January 10, 2013 11:26 AM  
**To:** Blake Kilpatrick  
**Subject:** Re: United Commerce Center

Blake, I had a baby less than a week ago and am doing my best to get back to work but am now sick. I will get with Rick and see if he can help one of the office girls help get this taken care of. I just physically can't do it right now.

Sent from my iPhone

On Jan 10, 2013, at 11:17 AM, "Blake Kilpatrick" <[blake@rmc-disaster.com](mailto:blake@rmc-disaster.com)> wrote:

Mika,

I need a reply please, of some type. I have left you a message with my number it's 832-309-4528. I really need your invoices or whatever you may have indicating your TOTAL cost of the roof repair job at UCC.

Thanks,  
RMC, LLP

Blake Kilpatrick

**From:** Mika Hunter [mailto:[mhunter@precisionconstructionandroofing.com](mailto:mhunter@precisionconstructionandroofing.com)]  
**Sent:** Wednesday, January 09, 2013 1:45 PM  
**To:** Blake Kilpatrick  
**Subject:** Re: United Commerce Center

Blake, Would it help if we were to send you a final invoice? I believe we had sent one to Ms. De La Garza. Typically, for jobs completed for insurance proceeds we are just asked for a final invoice for depreciation to be released. Also, we did not give UCC an invoice for the checks we collected.

On Wed, Jan 9, 2013 at 8:47 AM, Blake Kilpatrick <[blake@rmc-disaster.com](mailto:blake@rmc-disaster.com)> wrote:  
Mika,

What I'm trying to do is total all the cost incurred to date for the roof repairs at UCC. This will determine the release of the insurance hold back by Travelers. If you know of any costs other than what you have forwarded to me, please let me know.

Thanks,  
RMC, LP

Blake Kilpatrick  
832-309-4528

**From:** Mika Hunter [mailto:[mhunter@precisionconstructionandroofing.com](mailto:mhunter@precisionconstructionandroofing.com)]  
**Sent:** Tuesday, January 08, 2013 5:04 PM  
**To:** [blake@rmc-disaster.com](mailto:blake@rmc-disaster.com)  
**Subject:** Fwd: United Commerce Center

Hi Blake, Rick called me and asked that I send a lien waiver and a copy of the checks the United Commerce Center have paid us. He also said that the dump receipts that we had sent before had duplicates. There were 3 dumpsters and each dumpster received its own slip. I'm not sure if that was the confusion. I have included the statements for the dumpsters. I think there is one missing and I will get that to you asap. We also had overages that were charged to one of our credit cards. Please let me know if there is anything else you need!

Mika Hunter

**delaGarza,Laura C**

---

**From:** Blake Kilpatrick [blake@rmc-disaster.com]  
**Sent:** Thursday, January 10, 2013 12:59 PM  
**To:** mcasias@precisionconstructionandroofing.com  
**Cc:** delaGarza,Laura C  
**Subject:** Cost Information Request for UCC

Just to reiterate, I am requesting any and all cost information that would establish the dollar amount that Precision billed to UCC for the recent roof repairs. Thus far, I have received checks number 5877, 5811, 5790 totaling \$545, 475. I have also received the 'supplement' invoice for the decking in the amount of \$192k. If there is anything else pending please submit it as soon as possible.

Thanks You,  
RMC, LLP

Blake Kilpatrick  
832-309-4528

**delaGarza,Laura C**

---

**From:** Blake Kilpatrick [blake@rmc-disaster.com]  
**Sent:** Friday, January 11, 2013 5:35 PM  
**To:** 'Blake Kilpatrick'  
**Cc:** delaGarza,Laura C  
**Subject:** RE: Cost Information Request for UCC

Monique,

There is also a discrepancy between the check amount / Lien releases and what the final invoice states that you have been paid. \$545, 475 vs \$644,442. 53.

Please look into this. These numbers are all over the place and it's corrupting my report. I'll call you Monday, Thanks.

Sincerely,  
RMC, LLP

Blake Kilpatrick  
832-390-4528

---

**From:** Blake Kilpatrick [mailto:blake@rmc-disaster.com]  
**Sent:** Friday, January 11, 2013 5:04 PM  
**To:** 'Monique Casias'  
**Subject:** RE: Cost Information Request for UCC

Monique,

I have a discepancy between the supplemental invoice I received of \$187, 068.01 and what is indicated on your final invoice for the supplement \$192, 862.95. Any thoughts? Am I missing another invoice? Please check this out next week, Thanks.

Sincerely,  
RMC, LLP

Blake Kilpatrick  
832-309-4528

---

**From:** Monique Casias [mailto:mcasias@precisionconstructionandroofing.com]  
**Sent:** Thursday, January 10, 2013 4:01 PM  
**To:** Blake Kilpatrick  
**Subject:** Re: Cost Information Request for UCC

Blake:

Attached is the final invoice. Let me know if this is what you needed. Thanks for your patience.

Have a wonderful evening.

Respectfully,  
Monique Casias  
817-875-0798  
817-519-8985 Office  
[mcasias@precisionconstructionandroofing.com](mailto:mcasias@precisionconstructionandroofing.com)

On Thu, Jan 10, 2013 at 12:59 PM, Blake Kilpatrick <[blake@rmc-disaster.com](mailto:blake@rmc-disaster.com)> wrote:

Just to reiterate, I am requesting any and all cost information that would establish the dollar amount that Precision billed to UCC for the recent roof repairs. Thus far, I have received checks number 5877, 5811, 5790 totaling \$545, 475. I have also received the 'supplement' invoice for the decking in the amount of \$192k. If there is anything else pending please submit it as soon as possible.

Thanks You,  
RMC, LLP

Blake Kilpatrick  
832-309-4528

**delaGarza,Laura C**

---

**From:** delaGarza,Laura C  
**Sent:** Saturday, January 19, 2013 5:57 AM  
**To:** 'Don Lamont'  
**Cc:** delaGarza,Laura C  
**Subject:** RE: united commerce

We spoke try to get me information on actual amounts paid by the insured. Roofer only supplied \$545,000 in check copies. Based on that insured will pay PA and what else will be paid? It would help me to know what you will be getting paid. I have asked Blake to estimate work that was actually done to compare to what we owed. Many things we paid for were not done. Only receipts we have are dumpster invoices. Don't really know how much material or labor. We have based this on xactimate, but what is actually being incurred needs to be validated by the roofer, you, or somebody. I can only justify so much. What does the insured owe you? 10% of what number?

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone  
877 265 -1143 fax  
210 859-1637 cell  
[ldelagar@travelers.com](mailto:ldelagar@travelers.com)



★

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**From:** Don Lamont [mailto:[don@dalamont.com](mailto:don@dalamont.com)]  
**Sent:** Friday, January 18, 2013 9:44 AM  
**To:** delaGarza,Laura C  
**Subject:** Re: united commerce

You can call me any time before 12

Sent from my iPad

On Jan 17, 2013, at 3:36 PM, "delaGarza,Laura C" <[LDELAGAR@travelers.com](mailto:LDELAGAR@travelers.com)> wrote:

I need to talk to you about this claim. When would be a good time?

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone  
877 265 -1143 fax  
210 859-1637 cell  
[ldelagar@travelers.com](mailto:ldelagar@travelers.com)  
<image001.gif>

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**delaGarza,Laura C**

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**From:** delaGarza,Laura C  
**Sent:** Friday, January 25, 2013 6:41 AM  
**To:** 'Don Lamont'  
**Cc:** delaGarza,Laura C  
**Subject:** United Commerce

Sorry I missed your call yesterday. You are welcome to call me today after 8am. If we do not connect, Please leave me your cell number and I will call you back. I have many calls today, but we do need to discuss. Thanks

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone  
877 265-1143 fax  
210 859-1637 cell  
ldelagar@travelers.com

**TRAVELERS** 

★

**delaGarza,Laura C**

---

**From:** Don Lamont [don@dalamont.com]  
**Sent:** Monday, February 11, 2013 6:36 PM  
**To:** delaGarza,Laura C  
**Subject:** Re: Xactimate: UNITEDCOMMERCE6

Laura,

I hope you are doing well. I wanted to discuss the RCV payment on this claim. I know you sent Blake back to inspect and he rewrote the estimate. I was wanting to meet him out there if possible because he has missed a few items. First of all, on his new estimate he took out parapet walls but did not add them in on his sq. ft. of the foam and coating. he also took out the detach and reset items on several line items. He also took out high charge etc... Please let me know when he is available to meet. Also can you release the undisputed amounts at this time? Please advise

On Jan 24, 2013, at 2:33 PM, delaGarza,Laura C wrote:

Please see estimate from Blake on the actual work done on United. The corrected original estimate rcv-acv also attached. I am not certain which way to go on this claim, but proof of payment is at approximately \$545,000. The new acv is the most that I should owe, etc. Please review and we can discuss. I am available until 3:30 today or tomorrow at anytime. Please let me know.

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone  
877 265 -1143 fax  
210 859-1637 cell  
[ldelagar@travelers.com](mailto:ldelagar@travelers.com)  
<image001.gif>

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**From:** Blake Kilpatrick [mailto:[blake@rmc-disaster.com](mailto:blake@rmc-disaster.com)]  
**Sent:** Thursday, January 24, 2013 11:17 AM  
**To:** delaGarza,Laura C  
**Subject:** Xactimate: UNITEDCOMMERCE6

Laura,

This ones named #6 and if you open it says "Completed Repairs". This should represent just the work completed by the roofer to date. (which is all the work)

Thanks,

Blake Kilpatrick

R M C, LLP  
18382 FM 306, Suite 103  
Canyon Lake, Texas 78133

Phone: 832-309-4528

blake@rmc-disaster.com  
www.rmc-disaster.com

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<Final Draft with \_without Removal Depreciation.pdf><UNITEDCOMMERCE2\_Final Draft Separate Coverage Type.pdf><Original estimate corrected.pdf>

**delaGarza,Laura C**

---

**From:** delaGarza,Laura C  
**Sent:** Monday, February 11, 2013 6:57 PM  
**To:** 'Don Lamont'  
**Cc:** delaGarza,Laura C; 'Blake Kilpatrick'  
**Subject:** RE: Xactimate: UNITEDCOMMERCE6

I will talk to Blake and releasing undisputed funds no problem. Talk to you soon.

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone  
877 265 -1143 fax  
210 859-1637 cell  
ldelagar@travelers.com

**TRAVELERS** 

★

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**From:** Don Lamont [mailto:don@dalamont.com]  
**Sent:** Monday, February 11, 2013 6:36 PM  
**To:** delaGarza,Laura C  
**Subject:** Re: Xactimate: UNITEDCOMMERCE6

Laura,

I hope you are doing well. I wanted to discuss the RCV payment on this claim. I know you sent Blake back to inspect and he rewrote the estimate. I was wanting to meet him out there if possible because he has missed a few items. First of all, on his new estimate he took out parapet walls but did not add them in on his sq. ft. of the foam and coating. he also took out the detach and reset items on several line items. He also took out high charge etc... Please let me know when he is available to meet. Also can you release the undisputed amounts at this time? Please advise

On Jan 24, 2013, at 2:33 PM, delaGarza,Laura C wrote:

Please see estimate from Blake on the actual work done on United. The corrected original estimate rcv-  
acv also attached. I am not certain which way to go on this claim, but proof of payment is at approximately \$545,000. The new acv is the most that I should owe, etc. Please review and we can discuss. I am available until 3:30 today or tomorrow at anytime. Please let me know.

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone

877 265 -1143 fax  
210 859-1637 cell  
[Idelagar@travelers.com](mailto:Idelagar@travelers.com)  
<image001.gif>

---

**From:** Blake Kilpatrick [mailto:[blake@rmc-disaster.com](mailto:blake@rmc-disaster.com)]  
**Sent:** Thursday, January 24, 2013 11:17 AM  
**To:** delaGarza, Laura C  
**Subject:** Xactimate: UNITEDCOMMERCE6

Laura,

This ones named #6 and if you open it says "Completed Repairs" . This should represent just the work completed by the roofer to date. (which is all the work)

Thanks,

Blake Kilpatrick

R M C, LLP  
18382 FM 306, Suite 103  
Canyon Lake, Texas 78133

Phone: 832-309-4528  
[blake@rmc-disaster.com](mailto:blake@rmc-disaster.com)  
[www.rmc-disaster.com](http://www.rmc-disaster.com)

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<Final Draft with \_without Removal Depreciation.pdf><UNITEDCOMMERCE2\_Final Draft Separate Coverage Type.pdf><Original estimate corrected.pdf>

**delaGarza,Laura C**

---

**From:** Blake Kilpatrick [blake@rmc-disaster.com]  
**Sent:** Tuesday, February 12, 2013 11:27 AM  
**To:** don@dalamont.com  
**Cc:** delaGarza,Laura C  
**Subject:** United Commerce Roof estimate

Don,

Please call me when you get time. I have reviewed your email to Laura regarding the parapet walls, high roof charge, and detach / reset items and would like to discuss it.

Thank you,

**RMC, LLP**

Blake Kilpatrick  
832-309-4528

**Reconstruction Management, LLP**

18382 FM 306, Suite 103  
Canyon Lake, Texas 78133

Phone 832-309-4528, Fax 830-935-2161  
[www.rmc-disaster.com](http://www.rmc-disaster.com)

**delaGarza,Laura C**

---

**From:** Blake Kilpatrick [blake@rmc-disaster.com]  
**Sent:** Monday, February 25, 2013 7:18 PM  
**To:** delaGarza,Laura C  
**Subject:** FW: UCC Foam Cost

**From:** Don Lamont [mailto:don@dalamont.com]  
**Sent:** Monday, February 25, 2013 6:14 PM  
**To:** Blake Kilpatrick  
**Subject:** Re: UCC Foam Cost

Blake,  
Sorry I have been tied up. I will try to get it to you tomorrow

Sent from my iPad

On Feb 20, 2013, at 2:22 PM, "Blake Kilpatrick" <[blake@rmc-disaster.com](mailto:blake@rmc-disaster.com)> wrote:

Don;

Have you come up with any pricing information on the foam roof cost? Travelers is asking me to complete this file.

Thank you,

**RMC, LLP**

Blake Kilpatrick  
832-309-4528

**Reconstruction Management, LLP**

18382 FM 306, Suite 103  
Canyon Lake, Texas 78133

Phone 832-309-4528, Fax 830-935-2161  
[www.rmc-disaster.com](http://www.rmc-disaster.com)

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**delaGarza,Laura C**

---

**From:** Blake Kilpatrick [blake@rmc-disaster.com]

**Sent:** Friday, March 01, 2013 2:13 PM

**To:** delaGarza,Laura C

**Subject:** FW: UCC Foam Cost

For your file, here is the email Don Lamont sent me on the foam roof numbers.

Thanks,

Blake

---

**From:** Don Lamont [mailto:don@dalamont.com]

**Sent:** Wednesday, February 27, 2013 4:50 PM

**To:** Blake Kilpatrick

**Subject:** Re: UCC Foam Cost

Blake,

I found two exactimate items that might help.

1. RFG SPF @5.37 sq ft.

2. RFG SPFRC @3.55 sq ft. I can send you the info if you do not have it. Thanks

On Feb 20, 2013, at 2:22 PM, Blake Kilpatrick wrote:

Don;

Have you come up with any pricing information on the foam roof cost? Travelers is asking me to complete this file.

Thank you,

**RMC, LLP**

Blake Kilpatrick

832-309-4528

**Reconstruction Management, LLP**

18382 FM 306, Suite 103

Canyon Lake, Texas 78133

Phone 832-309-4528, Fax 830-935-2161

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RMC, LLP.*

REDACTED

**From:** Don Lamont [mailto:[don@dalamont.com](mailto:don@dalamont.com)]  
**Sent:** Friday, March 08, 2013 3:14 PM  
**To:** Blake Kilpatrick  
**Subject:** Re: 3/7/13 Phone call

Blake,  
I have spoken to the roofer and he is taking care of all issues. Thanks  
On Mar 8, 2013, at 1:18 PM, Blake Kilpatrick wrote:

Don,

Per our conversation this yesterday, I have previously requested from the roofer any documentation

that would verify their roof repair expenses. To date, I have only received dumpster invoices and copies of checks the roofer received from the insured totaling some \$575k. I have requested any and all invoices to vendors, subcontractors or suppliers that Precision Roofing may have paid to complete the roof replacement. In lieu of the individual vendor, subcontractor or supplier receipts we would also accept Precision's contract with the owner and corresponding applications for payments indicating the completion of the work and a description of the work that was completed. Thus far, a vague contract was provided that indicated no actual dollar amount for the work nor, was there any information of the roofer's applications for payment included (their invoices).

Any of these items are things that a contractor would have needed to submit a request for payment and are kept as a matter of normal jobsite / business protocol. Because the information I received was so limited, it was necessary to estimate an actual cost incurred for the roof replacement. No further information has been provided to me since then. If such information becomes available, I can then review it and make the appropriate revisions to my earlier recommendations. Until then, I have no additional documentation to review.

Any issues other than the above mentioned (payments, policy, etc.) should be discussed directly with the claims adjuster for the insurance company. Again, if additional information becomes available I will be glad to update my file accordingly.

Thank you,

**RMC, LP**

Blake Kilpatrick  
832-309-4528

**Reconstruction Management, LP**

18382 FM 306, Suite 103  
Canyon Lake, Texas 78133

Phone 832-309-4528, Fax 830-935-2161  
[www.rmc-disaster.com](http://www.rmc-disaster.com)

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----- Original message -----

From: "delaGarza, Laura C" <LDELAGAR@travelers.com>  
Date: 03/15/2013 4:28 AM (GMT-06:00)  
To: 'Don Lamont' <don@dalamont.com>  
Cc: 'Blake Kilpatrick' <blake@rmc-disaster.com>, "delaGarza, Laura C" <LDELAGAR@travelers.com>  
Subject: RE: UCC

I have sent you the revised acv check that to date only checks for the acv have been paid. The work has been done, yes, but the work that was done is not what is on your estimate/invoice. Why is it hard for you to comprehend? Blake did you get anything that is going to alter your recommendation in anyway, please let me know. The last check should not be sent back. It belongs to the policy holder.

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254  
210 680-6827 phone  
877 265-1143 fax  
210 859-1637 cell  
ldelagar@travelers.com

**TRAVELERS**

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**From:** Don Lamont [mailto:[don@dalamont.com](mailto:don@dalamont.com)]  
**Sent:** Thursday, March 14, 2013 7:13 PM  
**To:** delaGarza, Laura C  
**Subject:** Re: UCC

I am still holding the last check you sent me, the customer wanted all of the rcv to him at one time. Do you want me to send it back to you? We have a signed contract and that is all Blake was wanting, the customer also dispersed the acv, the roof is finished. Can we please get Payment and close this claim?

Sent from my iPhone

On Mar 14, 2013, at 5:58 PM, "delaGarza, Laura C" <[LDELAGAR@travelers.com](mailto:LDELAGAR@travelers.com)> wrote:

I sent your document to Blake to see if he has changes to make, but I now have another check to add to the actual validation of payments to roofer, this check of \$98,967.51 plus the other \$545,000 previously paid does not go over the acv paid. So, I do not understand what your document is supposed to tell me. You will have to explain.

Laura de la Garza  
General Adjuster  
Business Insurance Major Case  
9402 Wildstone Place  
San Antonio, Texas 78254

210 680-6827 phone  
877 265-1143 fax  
210 859-1637 cell  
[ldelagar@travelers.com](mailto:ldelagar@travelers.com)  
<image001.gif>

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**From:** Don Lamont [mailto:[don@dalamont.com](mailto:don@dalamont.com)]  
**Sent:** Thursday, March 14, 2013 4:42 PM  
**To:** delaGarza, Laura C  
**Subject:** Fwd: UCC

Let me know if you need anything else. Thank you

Sent from my iPad

Begin forwarded message:

**From:** Joshua Birdwell <[joshuabirdwell81@gmail.com](mailto:joshuabirdwell81@gmail.com)>  
**Date:** March 14, 2013, 5:23:36 PM AST  
**To:** Don Lamont <[don@dalamont.com](mailto:don@dalamont.com)>  
**Subject:** UCC

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# **EXHIBIT D**

## Claim Information

CLAIM AFO:	LOSS DESIGNATOR:	CLAIM:	CLAIMANT:
877	FR	EUR0543	000-File Level
LOSS DATE:	ACCIDENT STATE:	STATUS:	NOL INSURED NAME:
5/24/2011	TX	ACTIVE	/UNITED COMMERCE CENTER, INC.

CLAIM HANDLER PERS:	SUPERVISOR PERS:
BRH	DWN

CAUSE OF LOSS:  
Hail

Date	Author	Topic	Subject	Claimant (Level)
6/15/2012 11:26:06 AM	ILE - 039	General	NOTICE TAKER INFORMATION -	000 FILE LEVEL
OFFICE : 252 - CLAIM CUSTOMER SERVICE-PL				
NOTICE TAKER: ILE - IVY THOMAS EVANS				
TELEPHONE : (866) 661-9041				
6/15/2012 11:26:30 AM	GENERATED NOTE - 039	Assignment	INITIAL ASSIGNMENT -	000 FILE LEVEL
DEF SUPV - NO CH IN TERR *OFFICE ASSIGNMENT DETERMINED BY TRAVPRO*				
6/15/2012 11:26:38 AM	LAURA DELAGARZA - 877	General	ACCIDENT DESCRIPTION -	000 FILE LEVEL
HAIL DMG TO THE PROPERTY/CARGO DAMAGE INDICATOR VALUE IS: N				
CARGO TRANSIT INDICATOR VALUE IS:				
6/15/2012 11:26:38 AM	ILE - 039	General	CLAIMANT PROPERTY DAMAGE DESCRIPTION -	001 INS - UNITED COMMERCE CENTER, INC
HAIL DMG TO THE PROPERTY				
6/15/2012 11:26:39 AM	SYS - 039	General	ISO CLAIMSEARCH SUBMISSION -	001 INS - UNITED COMMERCE CENTER, INC
CLAIM INFORMATION SENT TO ISO FOR: INITIAL CLAIMSEARCH REPORT				
6/15/2012 11:26:39 AM	C800 - 039	General	REMARKS NOTE TAKEN BY 800 TELEPHONE REPORTING -	000 FILE LEVEL



Date	Author	Topic	Subject	Claimant (Level)
6/15/2012 1:04:14 PM	CHRISTINE A CAHILL - 039	Assignment	REASSIGNMENT-	001 INS - UNITED COMMERCE CENTER INC.
OFFICE: 039 CHRISTINE A CAHILL-CAC1 reassigned claim/claimant from PROPERTY ASSIGN CORD-PAC1 to ASAHI WATTS-AW				
6/15/2012 1:04:25 PM	SYS -	General	XACTIMATE REQUEST ACCEPTED -	001 INS UNITED COMMERCE CENTER, INC.
XACTIMATE REQUEST SENT TO AWATTS ON 06/15/2012 WAS ACCEPTED.				
6/15/2012 5:23:15 PM	ASAHI WATTS - 039	Contact		000 FILE LEVEL
INITIAL CONTACT/COVERAGE:				
DATE & TIME OF CONTACT: 06.15 inspect, 0300 pm				
SPOKE TO: Mr. Lamont, he is a PA handling claim, he is faxing over LOR per my request				
E-MAIL ADDRESS: confirmed.				
LOSS LOCATION: confirmed				
THE FACTS AND EXTENT OF THE LOSS:				
Storms with large hail damaged roof				
AGE OF THE ROOF: unsure				
TYPE OF ROOF: flat built up roof				

Date	Author	Topic	Subject	Claimant (Level)
NUMBER OF STORIES: 1 to 2				
INTERIOR LEAKS PRESENT: none				
IF SO, WHERE?				
DAMAGE TO CONTENTS: none				
DATE AND TIME FOR INSPECTION: June 18 11-12				
POSSIBLE SUBRO POTENTIAL: no is weather related				
BASED ON INFORMATION AVAILABLE FROM 1ST CONTACT				
Discussed the procedures, timeframes, duties and responsibilities with the insured.				
COVERAGE:				
POLICY FORM: Wholesalers Pac				
Date of Loss 05/24/12 is within Policy Period yes.				
DOL CONFIRMED BY CAT 48				
APPLICABLE ENDORSEMENTS THAT AFFECT COVERAGE OR LOSS SETTLEMENT:				
none				

Date	Author	Topic	Subject	Claimant (Level)
<p>COVERAGE:</p> <p>Property is Building 001 Location 001</p> <p>Policy limit is \$3,800,000 with 1000 deductible</p> <p>Policy is replacement cost</p> <p>No coinsurance requirement</p> <p>Policy is all risks less exclusions, hail is not listed exclusion therefore damage caused by hail is covered.</p>				
<p>PRIOR LOSSES: none show</p>				
<p>ISO MATCHES: Prior loss from hail in 2009 is hail related but no damage was found from hail.</p>				
<p>Loss in 2008 is different location not related</p> <p>Loss in 2011 Is different location not related</p> <p>Loss in 2010 is related, we found interior damage and called engineer out for roof inspection, found no damage, claim shows in appraisal, I called CH handling claim and he said that appraisal was dropped, insured decided to file claim for recent hail storms.</p>				
6/18/2012 2:22:27 PM	ASAHI WATTS - 039	Damages/Verification		001:INS - UNITED COMMERCE CENTER, INC.
<p>INSPECTION:</p> <p>DATE INSPECTED: 06.18 MET WITH: PA. Don Lamont</p> <p>Discussed the scope, coverage's, procedures, timeframes, duties and responsibilities with the customer</p>				

Date	Author	Topic	Subject	Claimant (Level)
FACTS / CAUSE OF LOSS BASED ON INSPECTION: alleged hail damage to roof from storms in May of 2011				
CAUSE OF LOSS CODE: 25 - HAIL (confirmed in Claim Platform) CAT CODE:				
WILL A SECOND CLAIM BE FILED DUE TO DOL DIFFERENCE (INTERIOR vs. ROOF): no				
RELATED PRIOR CLAIMS: yes, have been addressed				
SCOPE NOTES ATTACHED TO: no scope. Notes no additional damages found from previous claim				
EAGLEVIEW UTILIZED? na				
COMPLETED XACTIMATE ESTIMATE USING LOCAL MATERIAL AND LABOR COST.				
DESCRIPTION OF DAMAGE:				
I inspected flat roof with gravel blast top layer and could find no obvious signs of hail damage.				
I inspected flat built up roof portion with coating and PA pointed out a few spots that he said was hail damage. He also stated that water was now forming under the top layer of roofing. I inspected spots that were pointed out to be hail. Compared to the entire roof there were not many				



Date	Author	Topic	Subject	Claimant (Level)
ARN: na				
SUBRO POTENTIAL: no is weather related				
IS TIS INVOLVEMENT NECESSARY, IF YES EXPLAIN: no indicators				
Explained to customer that am assigning engineer for inspection, we will move forward pending results from engineer				
6/18/2012 2:23:53 PM	ASAHL WATTS-039	Contact		001 INS UNITED COMMERCE CENTER, INC.
I called Nelson Engineering to come out and inspect roof.				
They are going to sent me email with inspection time and date.				
I added all contact info to participants screen				
6/20/2012 5:19:19 AM	ASAHL WATTS-039	General	LETTER: PROPERTY CLAIM ACK AUTHOR: AW--	001 INS UNITED COMMERCE CENTER, INC.
LETTER: PROPERTY CLAIM ACK		AUTHOR: AW -S		DATE: 06-20-12
PRIMARY RECIPIENT:			TIME: 01:27:55	
LETTER WAS CENTRALLY PRINTED  /United Commerce Center, Inc.  1720 E Irving Blvd  Irving TX 75060-4510  F3162C1M12171001055 00001 N				
6/20/2012 8:00:11 PM	ASAHL WATTS-039	Correspondence		000 FILE LEVEL
received email from engineer stating they are meeting with PA, June 27th				

Date	Author	Topic	Subject	Claimant (Level)
			10am, to perform inspection. I will try to be there, however it is in Irving, TX, I live about 3.5 hours away, I advised them to go ahead and inspect if I cannot make it.	
			email	
			Good afternoon Asah,	
			Gary Dunlap is scheduled on 06.27.12 @ 10:00AM to meet with Don Lamont for the above referenced assignment. Please call or email if you have any questions or concerns. We appreciate your business.	
			Kindest regards,	
			Allison Garrett Administrative Assistant	
			NELSON ARCHITECTURAL ENGINEERS, INC. Expert Forensics. Expert Solutions. 2740 Dallas Parkway, Suite 220 Plano, TX 75093	
			877.850.8765 Global Headquarters	

Date	Author	Topic	Subject	Claimant (Level)
469.429.9000	Voice x2202			
469.326.5200	Fax			
6/20/2012 8:01:29 PM ASAHI WATTS - 039 Correspondence				
				000 FILE LEVEL
I called PA and requested letter of rep, explaining that I can go no further without letter of representation. I will be in contact with insured if not received.				
6/25/2012 9:59:58 AM	ASAHI WATTS - 039	Contact		001 INS - UNITED COMMERCE CENTER, INC
follow up with engineer report, follow up with PA letter of rep				
6/26/2012 5:33:38 PM	ASAHI WATTS - 039	Contact		000 FILE LEVEL
I called Don PA he said that he emailed lor to me, I explained that I have not received it.				
I emailed him to reply back to me with it.				
6/26/2012 9:28:51 PM	ASAHI WATTS - 039	Correspondence		000 FILE LEVEL
received letter of rep from PA and attached to file				
7/7/2012 4:18:43 PM	ASAHI WATTS - 039	Contact		000 FILE LEVEL
engineer called me on yesterday July 7 2pm, I called back on Friday lm to call me back.				
I called PA lm with status				
7/9/2012 11:24:40 AM	ASAHI WATTS - 039	Contact		000 FILE LEVEL
I called and spoke with Matt Smith with Nelson Architectural Engineering,				
He said that his inspection with PA has been completed. He said that they				

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Date	Author	Topic	Subject	Claimant (Level)
took core samples and inspected roof, he said that large hail has totaled entire flat roof, hail has penetrated through layers. Roof is two layers of 3 ply roof under aluminum coating.				
He inspected other portion of roof that has gravel ballast, he said that only damage to this roof is parapet wall.				
He said that he will have full report completed by end of this week or early next week. He will send to me once completed.				
I will start working on estimate.				
7/9/2012 11:35:19 AM	ASAHL WATTS - 039	Contact		000 FILE LEVEL
spoke with PA Don Lamont				
I explained engineers findings and explained that I will be receiving engineer report by early next week, I updated him with status and procedures heading forward				
I will follow up				
7/10/2012 11:31:12 AM	SYST - 039	Financial	QUEUED FINANCIAL RECORD	001 INS - UNITED COMMERCE CENTER, INC.
ESTIMATE QUEUED TO SUPERVISOR: GGF IN OFFICE: 039 FOR CLAIM: EURO543				
CLAIMANT: 001				
7/10/2012 11:33:52 AM	ASAHL WATTS - 039	Financial		001 INS - UNITED COMMERCE CENTER, INC.
Am in process of reviewing engineer report and writing estimate.				

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Date	Author	Topic	Subject	Claimant (Level)
there is definitely covered damage.				

Date	Author	Topic	Subject	Claimant (Level)
sent to sup for review				

7/16/2012 4:31:01 AM	ISO - 039	General		001 INS - UNITED COMMERCE CENTER INC.
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CLAIM INFORMATION SENT TO ISO FOR A REPLACEMENT CLAIM SEARCH REPORT

7/16/2012 11:32:12 AM	ASA H WATTS - 039	Correspondence		000 FILE LEVEL
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Received engineers report:

I reviewed and confirmed engineers findings that roof:

He found that The entire smooth surfaced BUR membrane be replaced due to hail damage. Also, the base flashing at the parapet walls and expansion joints of the upper roof sections need replacement due to hail damage.

Also Per Dallas area Building Code commercial Built up roofing underlayment must be 3" perlite.

I wrote partial estimate based on this data and found that total estimate

Date	Author	Topic	Subject	Claimant (Level)
			will be around 500k.	
			I sent to sup for large loss referral.	
7/16/2012 11:40:19 AM	ASA H WATTS - 039		Correspondence	000 FILE LEVEL
			sent to sup Levine and CH Hamilton (temp sup) for large loss referral	
			AFO 039	
		Claim Number	EURO453	
		Insured	UNITED COMMERCE CENTER	
		Date Notice Rec'd	07.16.2012	
		Date of Loss	05.24.2011	
		City and State	DALLAS, TX	
		Type of claim	HAIL	
		CAT Code	48	
		Coverage Confirmed?	YES	
		O&C ordered?	NA	
		Date Inspected		
		Total NET Exposure	06.18.2012	
		heavy Equipment?	CRANE	
		Public Adjuster?	YES, DON LAMONT	
		Photos Uploaded?	YES	
		Fatalities?	NO	
		Brief Description/Additional Information:	LARGE HAIL DAMAGED ROOF. ON INITIAL INSPECTION COULD NOT TELL IF ROOF WAS DAMAGED BY HAIL, ENGINEER WAS CALLED AND WE JUST RECEIVED REPORT BACK TODAY STATING PORTION OF ROOF IS TOTALLED. LOSS WILL BE AROUND 500K.	
7/16/2012 1:59:29 PM	JEFF LEVINE - 039	Management Review	File Review	001 INS -

Date	Author	Topic	Subject	Claimant (Level)
				UNITED COMMERCE CENTER, INC.
Sent MCU referral request.				
<p>From: Domino Claim Developer</p> <p><a href="mailto:Domino.Claim.Developer@notesout.travp.net">mailto:Domino.Claim.Developer@notesout.travp.net</a> On Behalf Of Property</p> <p>MCU Referral</p> <p>Sent: Monday, July 16, 2012 12:34 PM</p> <p>To: Levine, Jeffrey P</p> <p>Subject: Auto reply from Property MCU Referral</p>				
<p>Thank you for submitting your referral to this mailbox. This is an automated response acknowledging receipt of your referral. Your request will be reviewed by a member of the Large Loss Team within 24-36 hours of receipt. If your request becomes urgent, please call the Large Loss line at 866-220-0438</p>				
7/16/2012 4:46:14 PM	CHRISTINE A CAHILL - 269	General	CLAIM OFFICE TRANSFER -	000 FILE LEVEL
<p>File Transferred by: CAC1 - CHRISTINE A CAHILL Transferred from: AW - ASAHE WATTS in office 039 - Dallas BI Claim to 877-Home Office Major Case - Property transferred to Major Case, per Santasha Monts</p>				
7/17/2012 7:59:11 AM	SYSTEM - 800	General	SENS Sensitive Note - Email/Fax -	000 FILE LEVEL
<p>LDELAGAR in 877 emailed and faxed items from file cabinet on 7/17/2012 7:59:10 AM</p> <p>engineer report</p>				
7/17/2012 7:59:56 AM	SYSTEM - 800	General	SENS Sensitive Note - Email/Fax -	000 FILE LEVEL
<p>LDELAGAR in 877 emailed and faxed items from file cabinet on 7/17/2012</p>				

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Date	Author	Topic	Subject	Claimant (Level)
7:59:55 AM	Public adjuster esitmate			

7/26/2012 9:02:38 AM	LAURA DELAGARZA - 877	Damages/Verification	Building -	001 INS - UNITED COMMERCE CENTER INC
<p>Inspection made yesterday. There is evidence of hail to several areas from several years. HVAC report will be submitted by PA. I note that our engineer has totaled the alum covered area. The other areas are old. Our insured advised that they purchased the property 9 years ago. They do have interior water damage, but none of it is from hail. Construction expert will give an opinion shortly. I have read notes and agree with prior evaluation on parapets. Roofs at best need a good repair. I am doing a hail trax and neighborhood check. We have had this account for 4</p>				

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Date	Author	Topic	Subject	Claimant (Level)
		years. it has hailed in Irving every year. The 2010 claim submitted was in appraisal and when hail hit-dropped to pursue new claim. I am doing an aerial sketch to check out wheeled measurements. The building is primarily a warehouse and auto parts business. Then there are tenants to the front part area four. area 1-2 is all warehouse. Area 3 is the office of the parts store. Laura de la Garza		

8/8/2012 9:17:51 AM	LAURA DELAGARZA - 877		Initial - Incurred Rationale	001 INS - UNITED COMMERCE CENTER, INC
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We are still evaluating this claim

Second opinion on buildup advised roofs need to be replaced as they will not repair. Consultant to submit proposal. Laura de la Garza

8/14/2012 2:47:27 PM	LAURA DELAGARZA - 877	General	ARN SUBMITTED 08/14/2012-VIEW REASON(S)	000 FILE LEVEL
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Date	Author	Topic	Subject	Claimant (Level)
INADEQUATE INSURANCE TO VALUE				
8/14/2012 2:49:15 PM	LAURA DELAGARZA - 877	Subrogation	SUBRO REFERRAL	001 INS - UNITED COMMERCE CENTER, INC.
A SUBRO	REFERRAL WAS MADE ON 08/14/2012 FOR CLMT 001			
BY LDG IN OFFICE 877				
8/14/2012 2:52:54 PM	LAURA DELAGARZA - 877	Damages/Verification	Building -	001 INS - UNITED COMMERCE CENTER, INC.
<p>We are waiting on PA to complete his HVAC demands. We have are estimates completed. We will need to meet to discuss. I note this is a cat claim and no subrogation notes. I have referred to subro for review. The roofs are old and have had hail hits for years. Insured owns property for nine years has no idea what the age is. Just for the record, claim referral made. No apparent avenue due to age of roofs and size of hail. There are no warranties. Laura de la Garza</p>				
8/14/2012 3:01:28 PM	COORDINATOR (14) - 604	Assignment	REASSIGNMENT -	001 INS - UNITED COMMERCE CENTER, INC.
OFFICE: 604 Re-assigned by: SC2-SCHOUDH4 Transferred from: GT1-COORDINATOR				
(3) to DMV-DAVID VICTOR				
8/16/2012 3:49:38 AM	DAVID VICTOR - 604	Subrogation	Initial Assignment Review -	001 INS - UNITED COMMERCE CENTER, INC.
Initial SMCU review of hail damage CAT claim for insured's commercial building. Loss occurred 05/24/2011 at Dallas TX. GA notes indicate that roof was old, that insured has owned building for 9 years, and does not know age of roof. There may be some preexisting hail damage, but except				

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Date	Author	Topic	Subject	Claimant (Level)
for such weather damage and normal wear-tear, GA and engineer inspection				
show no indication of any causative defect in roof materials and				
workmanship.				
8/16/2012 3:51:48 AM	DAVID VICTOR - 604	Subrogation	RP CRITICAL ITEM CREATED RP NUMBER: 001	000 FILE LEVEL
CURRENT STATUS: NO SUBRO POTENTIAL				
8/16/2012 3:54:09 AM	DAVID VICTOR - 604	Subrogation	EVALUATION COMMENTS RP NUMBER: 001 COMMENT ADDED	000 FILE LEVEL
entered deductible and SOL (TX: 2yrs)				
8/16/2012 3:54:19 AM	DAVID VICTOR - 604	Subrogation	STATUTE DATE ADDED	000 FILE LEVEL
STATUTE DATE 2013-05-24 COVERAGE B				
8/24/2012 6:06:54 AM	LAURA DELAGARZA - 877	Loss Adjustment	Loss Adjustment	001 INS - UNITED COMMERCE CENTER INC
Still no activity from the PA.				
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Date	Author	Topic	Subject	Claimant (Level)
9/6/2012 5:51:45 PM	LAURA DELAGARZA - 877	Damages/Verification	Building -	001 INS - UNITED COMMERCE CENTER, INC.
Proof submitted for acv of \$643,442.51 will issue payment to PA and the insured there is no lender on policy, confirmed also with the insured.				
Laura de la Garza				

Date	Author	Topic	Subject	Claimant (Level)
9/14/2012 4:08:53 PM	LAURA DELAGARZA - 877	Damages/Verification	Building -	001 INS - UNITED COMMERCE CENTER, INC.
Insured called and received the check. wanted to know if it is a good check. Told him yes. Laura de la Garza				
check. Told him yes. Laura de la Garza				
9/21/2012 1:34:20 PM	LAURA DELAGARZA - 877	Damages/Verification	Building -	001 INS - UNITED COMMERCE CENTER, INC.
received from Gary Treider on his opinion on damages.				
Laura de la Garza				
12/10/2012 5:37:45 AM	LAURA DELAGARZA - 877		180 Day -Incurred Rationale -	001 INS - UNITED COMMERCE CENTER, INC.

12/14/2012 4:33:26 AM	ISO - 877	General		001 INS - UNITED COMMERCE CENTER, INC.
CLAIM INFORMATION SENT TO ISO FOR A RE-SEARCH CLAIM SEARCH REPORT				
12/14/2012 5:30:48 AM	SYS - 877	General	ISO CLAIM SEARCH REPORT -	001 INS - UNITED COMMERCE CENTER, INC.
ISO CLAIM SEARCH REPORT RECEIVED DUE TO RE-SEARCH REQUEST				
1/26/2013 9:08:36 AM	LAURA DELAGARZA - 877	Damages/Verification	Building -	001 INS - UNITED COMMERCE CENTER, INC.

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Date	Author	Topic	Subject	Claimant (Level)
				INC.

We received a supplement from roofer and work is completed. This was about 12/13/2012. They sent us photos and invoices on dumpsters. due to schedule I asked RMC to met with roofer. They met on 12/19/2012. RMC documented what was done and not done. We requested validation and invoicing. we only received check copies of approximately \$545,000. We also confirmed that the insured replaced decking which had to be replaced because it was rotten. we were advised that our tax calculated was wrong so we have corrected that estimate. We also put an estimate together that tracks what they did at xactimate costs. That estimate is \$800,781.24. The revised acv after correcting tax is \$684,565.84. This is what I owe and the balance is \$40,565.84. I have mailed Don Lamont a copy. I will follow up with him on Monday.

Laura de la Garza